



United States District Court
Southern District of Ohio
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Richard W. Nagel, Clerk of Court

Potter Stewart U.S. Courthouse
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Cincinnati, OH 45202
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Joseph P. Kinneary U.S. Courthouse
85 Marconi Boulevard
Columbus, OH 43215
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Walter H. Rice Federal Building
and U.S. Courthouse
200 West Second Street
Dayton, OH 45402
937-512-1400

August 3, 2021

In re: *Jackson v. Wal-Mart, Inc.*, 1:18cv450

Dear Mr. James Whitaker and Ms. Allison Goico,

I have been contacted by Judge Michael R. Barrett who presided over the above-mentioned case.

Judge Barrett informed me that it has been brought to his attention that while he presided over the case, his wife owned stock in Walmart. The 76 shares were purchased on November 5, 2018 and sold on August 31, 2020. His wife's ownership of Walmart stock neither affected nor impacted his decisions in this case. However, this stock ownership would have required recusal under the Code of Conduct for United States Judges, and thus, Judge Barrett directed that I notify the parties of the conflict.

Advisory Opinion 71, from the Judicial Conference Codes of Conduct Committee, provides the following guidance for addressing disqualification that is not discovered until after a judge has participated in a case:

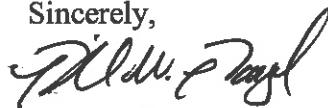
[A] judge should disclose to the parties the facts bearing on disqualification as soon as those facts are learned, even though that may occur after entry of the decision. The parties may then determine what relief they may seek and a court (without the

disqualified judge) will decide the legal consequence, if any, arising from the participation of the disqualified judge in the entered decision.

Although Advisory Opinion 71 contemplated disqualification after a Court of Appeals oral argument, the Committee explained “[s]imilar considerations would apply when a judgment was entered in a district court by a judge and it is later learned that the judge was disqualified.”

With Advisory Opinion 71 in mind, you are invited to respond to Judge Barrett’s disclosure of a conflict in this case. Should you wish to respond, please submit your response on or before August 20, 2021. Any response will be considered by another judge of this court without the participation of Judge Barrett.

Sincerely,



A handwritten signature in black ink, appearing to read "Richard W. Nagel".

Richard W. Nagel
Clerk of Court